UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
07 OCT 29 AM 10:34
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Case No. '07 MJ 2533
v.	COMPLAINT FOR VIOLATION OF:
1.) Jesus MUNOZ, Jr., 2.) Alfredo LUIS-Tenorio,	Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens
	Title 18, U.S.C., Sec. 922(g)(1) Felon in Possession of a Firearm
Defendant(s)	

COUNT 1

The undersigned complainant, being duly sworn, states:

On or about **October 21, 2007,** within the Southern District of California, defendants **Jesus MUNOZ, Jr., and Alfredo LUIS-Tenorio,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely **Fermin TAPIA-Barrera, Avelino SANCHEZ-Merino, and Roberto RAMIREZ-Hernandez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT 2

The undersigned complainant, being duly sworn, states:

That on or about **October 21, 2007**, within the Southern District of California, defendant **Jesus MUNOZ, Jr.**, a felon, did knowingly possess, in and affecting commerce, a firearm to wit: a .32 caliber Berretta semi-automatic pistol Serial # DAA400773, and having been convicted on April 12, 2000, under Article 112A of the Uniform Code of Military Justice for Wrongful Distribution of Cocaine, a felony, and sentenced to serve three years confinement in violation of Title 18, United States Code, Section 922 (g) (1).

And the complainant further states that this complaint is based on the attached statement of facts which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS ~~23rd~~ 29th DAY OF **OCTOBER 2007**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
1.) Jesus MUNOZ, Jr.
2.) Alfredo LUIS-Tenorio

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Fermin TAPIA-Barrera, Avelino SANCHEZ-Merino, and Roberto RAMIREZ-Hernandez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144G

On October 21, 2007, Agent R. Zermeno was assigned to the U.S. Border Patrol Murrieta Station and working at the Interstate 15 Checkpoint. The checkpoint was operational with two lanes open with all safety cones and traffic warning signs in place. At approximately 4:00 a.m., Agent P. Castillo received a call from the Escondido Police Department relaying that they had just received a call from a victim who stated that he was car jacked in Oceanside, California and held against his will at gun point by a bald Hispanic male wearing a white T shirt. The victim further stated that he was able to escape from the subject at a Circle K store in Escondido, California. The subject was last seen driving a white Chevrolet pickup truck northbound on I-15. The subject was overheard by the store clerk stating that he was heading for Riverside, California. Agent Castillo relayed the alert to all Murrieta Agents working to include Agent Zermeno, who was in the primary location on the I-15 Checkpoint.

At approximately 4:20 a.m., Agent Zermeno observed a white Chevrolet pickup approach his location with a bald Hispanic male driving and several passengers in the cab. Agent Zermeno made contact with the **driver**, who was later identified as defendant #1 **Jesus MUNOZ, Jr.** Agent Zermeno suspected that this truck was the truck that Escondido Police were looking for due to the fact that it matched the alert. Agent Zermeno ordered the defendant to place the truck in park and raise his hands. The defendant placed the truck in park but did not raise his hands and kept his right hand near his leg. Agent Zermeno, fearing that the defendant had a weapon, again ordered the defendant to raise his hands then immediately requested back up. As other agents arrived, the defendant raised his hands. At this time, the defendant made a spontaneous statement "I just gave them a ride" referring to the seven passengers.

The defendant was removed from the truck and placed under arrest. Agent Zermeno identified himself as a U.S. Border Patrol Agent and conducted an immigration interview and determined that the seven passengers were citizens and nationals of Mexico illegally present in the United States. Agents placed the passengers under arrest. Agent Zermeno requested permission to search the truck from the defendant, who verbally granted permission. Agent Anderson conducted a search of the truck to locate any weapons. Agent Anderson located a Beretta 32. Caliber, semiautomatic handgun, serial # DAA400773, located between the center console and the driver's seat. The weapon was manufactured outside of the State of California in Accokeek, Maryland. The handgun was loaded with one round in the chamber and six rounds in the magazine. A subsequent record check of **Jesus MUNOZ, Jr.** showed that the defendant was previously convicted of a felony and sentenced to three years of confinement.

Agent Castillo called Escondido Police and relayed that the Border Patrol, possibly, had the driver and truck that they were looking for earlier. Agent Castillo relayed that the license plate number on the vehicle matched the police report. Escondido Police stated that the Oceanside Police was taking over the investigation of the case and would contact the Border Patrol. At approximately 10:30 a.m., Oceanside Police Detective Darrah, arrived at the Murrieta Border Patrol Station, accompanied with the alleged car jacking victim and later identified as defendant #2, **Alfredo LUIS-Tenorio,** who voluntarily accompanied the detectives to help identify his assailant and provide a sworn statement. During the post Miranda interviews by the Detective Darrah, it was determined that defendant #2 had implicated himself in the smuggling of the seven aliens found in the

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CONTINUATION OF COMPLAINT:
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truck. After the interviews, Detective Darrah passed the case to the U.S. Border Patrol and stated that he would file a criminal complaint with the San Diego District Attorney's Office regarding his investigation.

STATEMENT OF DEFENDANT #1 Jesus MUNOZ, Jr.:

Defendant **Jesus MUNOZ, Jr.** was advised of his Miranda rights in the English language and stated that he understood his rights and was willing to answer questions without a lawyer present. The defendant stated that he is a citizen of the United States. Defendant **Jesus MUNOZ, Jr.** stated that his friend had asked for his help in collecting some money from a person in San Diego. The money was profit from alien smuggling. The defendant stated that he was driven to a house near Oceanside, California and was instructed to collect the money from the owner of the house. The defendant stated that he confronted the owner of the house about the money. The defendant stated that the owner of the house then began to shove him off the property. At this time, he noticed the white Chevy Silverado being occupied by co-defendant LUIS. The defendant then entered the vehicle. The defendant stated that as he dealt with the owner of the house he could see that people were hiding in the bed of the truck.

STATEMENT OF DEFENDANT #2 Alfredo LUIS-Tenorio:

Defendant **Alfredo LUIS-Tenorio** was advised of his Miranda rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant stated that he is a citizen and national of Mexico illegally present in the United States. The defendant stated that on October 20, 2007 at approximately 7:00 p.m., he made arrangements with a friend by the name of "Rosa" to help a known smuggler bring aliens north into the U.S. from Mexico. The defendant stated that he was doing his friend a favor in return for her helping him get smuggled in 2005. The defendant stated that "Rosa" picked him up at his house and took him to a pre-arranged location where a small brown Honda sedan and a white Chevrolet Silverado were located. The defendant was told to drive the Chevrolet truck and follow the Honda south towards Alpine then west towards San Diego, California. Suddenly the Honda came to a stop on the side of the road and he noticed two individuals enter the Honda, he then pulled directly behind it and seven individuals climbed into the bed of the truck that he was driving.

He stated that he then followed the Honda to a house in Oceanside, California where upon arriving a Hispanic male later identified as the defendant #1 Jesus MUNOZ Jr., entered the truck using the front passenger door and at gun point demanded that he drive away. Defendant #2 stated that he noticed the gun was black and about six inches long. He states that defendant #1 ordered him to follow a vehicle but was unable to see it and he just drove around the neighborhood looking for a way out. Upon reaching Highway 76, defendant #2 drove east until reaching a Home Depot where he attempted to escape, but was unable too. Defendant #2 was then instructed to drive west on Highway 76 towards Intestate 5 north but, he did not listen and headed south on I-5. He then exited and started to head back northbound on I-15. Defendant #2 stated that defendant #1 was becoming agitated and kicked him twice in the leg and told him to listen to what he said. They then turned northbound on I-15 towards Temecula, California. Defendant #2 was able to convince defendant #1 that the vehicle was low on gas and he needed to make a stop. Defendant #2 then stopped at a Circle K convenience store near Highway 78 and Escondido Boulevard.

According to defendant #2, Defendant #1 said to him "stay in the vehicle, I'm going to pay for the gas, if you get out I am going to chase you and kill you" then he took the keys from the vehicle and made his way to the store. Defendant #2 felt that if he went into the store he would be safe, so he exited the vehicle and ran in. Defendant #2 began to motion to the clerk that he was in trouble but the clerk did not understand Spanish. At

Received at: 12:24PM, 10/22/2007

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this time, defendant #1 exited the store and headed towards the truck. Defendant #2 was able to find someone who spoke Spanish and asked for help and to contact the police. Defendant #1 then got in the truck and left the scene.

The Escondido Police responded to the location and took defendant #2 into custody. As the interview concluded, the defendant was asked if this was his first time being arrested for alien smuggling. The defendant stated "yes" and added that he knew that the people in the truck were illegal aliens because "Rosa" had stated that her husband was part of the group and was going to be coming in from Mexico by walking through the mountains. Defendant #2 stated that "Rosa" offered to pay him $40.00 (US) per smuggled alien.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Fermin TAPIA-Barrera, Avelino SANCHEZ-Merino,** and **Roberto RAMIREZ-Hernandez** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally by walking through the mountains with the aid of an alien smuggler/ foot guide. The material witnesses stated that they were to pay $1,500.00 to $2,000.00 (US) to be smuggled to various parts the United States. Material witnesses TAPIA and RAMIREZ were shown a photographic line up and were able to identify defendant #1 Jesus MUNOZ, Jr., as the driver of the Chevrolet truck.

Executed on October 22, 2007 at 11:45 A.M.

[signature]
Terri L. Dimolios
Senior Patrol Agent

charged in Ct 1

On the basis of the facts presented in the probable cause statement consisting of ~~1~~ 4 page~~s~~, I find probable cause to believe that the defendants named in this probable cause statement committed the offense on **October 21, 2007**, in violation of Title **8**, United States Code, Section 1324. & Δ Munoz also committed the offense charged in Ct 2 on 10/21/07 in violation of 18 USC § 922(g).

[signature] 10/22/07 at 12:35pm
Barbara L. Major Date/Time
United States Magistrate Judge